

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 26 APRIL 2005

Present: The Mayor, Councillor A Ryan (Chairperson) (Gordon Ward)
Councillors A Andrew & E Malicki (Comenarra Ward)
Councillors L Bennett & T Hall (St Ives Ward)
Councillors I Cross & N Ebbeck (Wahroonga Ward)
Councillors G Innes AM & M Shelley (Roseville Ward)
Councillor M Lane (Gordon Ward)

Staff Present: General Manager (Brian Bell)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Planning & Environment (Leta Webb)
Manager Strategic Planning (Antony Fabbro)
Director Technical Services (Greg Piconi)
Manager Sustainability & Catchment Management (Peter Davies)
Director Open Space (Steven Head)
Director Community Services (Janice Bevan)
Director Finance & Business (John McKee)
Senior Governance Officer (Geoff O'Rourke)
Office Co-ordinator/WP (Casey Locke)

The Meeting commenced at 7.02pm

The Mayor offered the Prayer

DECLARATION OF PECUNIARY INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest in any item on the Business Paper.

No such interest was declared.

123

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Cross/Hall)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

- C.1 **Funding For Bus Shelter Installations**
(Section 10A(2)(d) – Commercial information of a confidential nature)

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

The following member of the public addressed Council on an item not on the Agenda:

B Wyle

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Refers GB.3: Draft Management Plan 2005 to 2009, Incorporating Budget and Fees and Charges – Memoranda from General Manager dated 26 April 2005 and Director Open Space dated 20 April 2005

Refers GB.14: Hassell Park Oval Clubhouse – Licence to St Ives Rugby Club – Memoranda from Director Open Space dated 26 April 2005 re additional recommendations and licence

CONFIRMATION OF MINUTES

- 124 **Minutes of Ordinary Meeting of Council**
File: S02131
Meeting held 5 April 2005
Minutes numbered 99 to 122

Resolved:

(Moved: Councillors Hall/Ebbeck)

That Minutes numbered 99 to 122 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PRESENTATION

Councillor Shelley formally presented a Certificate from the State Heritage Office acknowledging the listing of Tulkiyan on the State Heritage Register.

PETITIONS

125

Support UTS Kuring-gai Being Maintained as a UTS University Campus - (Three Hundred & Twelve [312] Signatures)

File: P42604

"We, the undersigned:

1. Support UTS Kuring-gai being maintained as a UTS University Campus.
2. Do not support the sale of the Campus for residential or other development.
3. Recognise the environmental and heritage value of the UTS Kuring-gai Campus, and the value that the Campus provides for the local community.

Resolved:

(Moved: Councillors Innes/Shelley)

That the Petition be received and referred to the appropriate officer of Council for attention.

CARRIED UNANIMOUSLY

126

Request for a Concrete Walking Path at End of Grosvenor Road (Junction of Lady Game Drive) - (Seventy-Six [76] Signatures)

File: 88/05508/01

"As residents of Grosvenor Road, we enjoy walking to Lane Cove River National Park. However, there is no walking path for the last 100 metres of Grosvenor Road before the Lady Game Drive junction. Instead, it is covered with hazardous weeds, rocks and rubbish. There is a potential for serious injury for pedestrians.

We, therefore, urge the Council to carry out its duty of care for its residents that a smooth concrete pavement on the side of this road to be laid as soon as possible."

Resolved:

(Moved: Councillors Shelley/Innes)

That the Petition be received and referred to the appropriate officer of Council for attention.

CARRIED UNANIMOUSLY

127

Request to not Gazette 23 Richmond Avenue, St Ives Under Ku-ring-gai Council's LEP and to Rescind or De-List 17,19,21 & 25 Richmond Avenue, St Ives From LEP (Twelve [12] Signatures)

File: S03747, S03716

The following Petition was presented by Councillor Hall:

“We the undersigned, respectfully request that Ku-ring-gai Council not go ahead with the gazetting of 23 Richmond Avenue and rescind the LEP listing for 17,19,21 and 25 Richmond Avenue, St Ives for the following reasons:

1. On 2 June 2004, the Heritage Council of NSW in accordance with Section 33(1)(3) of the Heritage Act 1977 made a recommendation to the Minister to not list the Pettit & Sevitt Exhibition Centre No 1 Precinct (Richmond Avenue, St Ives) on the State Heritage Register. This decision followed the site visits and presentations by the owners/objectors and was based on the inability for the Heritage Council to “reach any definitive conclusion that the group is of State Heritage significance”.
2. On 5 April 2005, Ku-ring-gai Council decided in the light of the above NSW Heritage Council’s decision not to list these properties on the State Heritage Register, that the Local Heritage listings of 27 Richmond Avenue and 400 Mona Vale Road be discontinued (DLEP29).
3. Given the considerable costs to Ku-ring-gai Council in the preparation, exhibition and resolution of DLEP29 and the defence of the Class 1 Appeal 10721 of 2004 to refuse DA795/02 for 27 Richmond Avenue, St Ives, we request that due to the above decisions that Council decide to conserve its financial resources by not defending the continuation of the current local LEP listing for the remaining properties.
4. As 23 Richmond Avenue, St Ives has not been formally gazetted on the local LEP listing, we request that this Draft LEP does not go ahead for the same reasons as points 1 and 2.

In summary, we believe that Ku-ring-gai LEP 1989 (Nos 17,19,21 & 25) be rescinded or de-listed and ask that Council advise those owners below the process that will be taken to eliminate what we believe to be an inappropriate and unnecessary Local Heritage Listing.”

Resolved:

(Moved: Councillors Hall/Bennett)

That the Petition be received and referred to the appropriate officer for attention and advice to Council.

CARRIED UNANIMOUSLY

Standing Orders were suspended to deal with the Business Paper items in the following order after a Motion moved by Councillors Cross and Andrew was CARRIED UNANIMOUSLY

A motion was also moved by Councillors Innes and Hall to hear a maximum of 3 speakers for and 3 against on particular items was CARRIED UNANIMOUSLY

GENERAL BUSINESS

- 128 **1, 3, And 5 Lynbara Avenue And 12 Porters Lane, St Ives - Demolition Of Existing Dwellings On Site And Construction Of A Residential Flat Building With 49 Units And Associated Basement Parking**

File: DA1219/04

Ward: St Ives

Applicant: Mr Andrew Owens, Futurespace Pty Ltd

Owner: C A Building Pty Ltd

To determine Development Application 1219/04 which seeks consent for the demolition of existing structures on site, and construction of 49 units and associated basement carparking.

Resolved:

(Moved: Councillors Hall/Bennett)

- A. That consideration of Development Application No 1219/04 for the demolition of existing structures on site and the construction of 21 x 3 bedroom dwellings, 24 x 2 bedroom dwellings and 4 x 1 bedroom dwellings within the building and a two level basement parking on land at 1, 3 and 5 Lynbara Avenue and 12 Porters Lane, St Ives be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

26 to 30 Marian Street, Killara - Demolition of three (3) Residential Dwelling Houses and Construction of a five (5) Storey Residential Flat Building Containing Twenty-Seven (27) Units and Basement Car Parking for Sixty-One (61) Vehicles

File: DA1243/04

Ward: Roseville

Applicant: Marian Street Pty Ltd

Owner: 26 Marian Street - A & R McVicar, 28 Marian Street - S Donnellan, 30 Marian Street - S Julian

To determine DA 1243/04 which seeks consent for the demolition of 3 residential dwelling houses and construction of a 5 storey residential flat building containing 27 units and basement car parking for 61 vehicles.

Resolved:

(Moved: Councillor Lane/Mayor, Councillor Ryan)

- A. That consideration of Development Application No 1243/04 for the demolition of three (3) residential dwellings and construction of a five (5) storey residential flat building containing twenty seven (27) units and basement car parking for sixty one (61) vehicles on land at 26-30 Marian Street, Killara be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

40 Clissold Road, Wahroonga - Supplementary Report

File: DA1669/03

To refer the application back to Council following the site meeting and seek Council's determination of the development application.

Resolved:

(Moved: Councillors Hall/Cross)

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, grant development consent to Development Application No 1669/03 for the proposed demolition of the existing dwelling and associated structures and the construction of a SEPP 5 development of six (6) units with basement carparking for fourteen (14) vehicles under the provisions of SEPP 5 on land at 40 Clissold Road, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1669/03 and Development Application plans prepared by Building Design & Technology & Michael Siu, Landscape Architects Pty Ltd, reference numbers A1.02, A1.03, A1.04, A1.05 & A1.07 (Rev B) and L01/1-R8311, dated 2 December 2004 and 6 December 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

15. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. The fence and footings shall be constructed entirely within the boundaries of the property.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
21. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
22. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

23. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
24. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.

- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
- 25. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
- 26. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
- 27. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
- 28. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
- 29. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
- 30. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
- 31. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
- 32. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
- 33. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.

34. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
35. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
36. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
37. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
38. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
39. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

40. Landscape works shall be carried out in accordance with Landscape Drawing No L01/1-R8311 prepared by Michael Siu Landscape Architects Pty Ltd and dated 12 Dec. 2003 (Rev. 6.12.04) submitted with the Development Application, except as amended by the following:
 - 44 *Pittosporum revolutum* (Yellow Pittosporum) shall replace 45 *Viburnum tinus* (Viburnum) as screen planting adjacent to the southern side boundary to ensure the site supports 50% locally occurring native plant content.
41. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
42. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.

43. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
44. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
45. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
---------------	-------------------

<i>Fraxinus syriaca</i> (Syrian Ash) Adjacent to the site's southern side boundary.	5m
--	----

<i>Syncarpia glomulifera</i> (Turpentine) At the southern end of the nature strip forward of the subject site.	4m
--	----

46. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
47. On completion of the LANDSCAPE WORKS including TREE and SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
48. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Ageratina adenophora (Crofton Weed)
Ailanthus altissima (Tree of Heaven)
Asparagus densiflorus (Asparagus Fern)
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Hedera helix (English Ivy)
Hedera sp. (Ivy)
Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)

Ligustrum sinense (Small-leaved Privet)
Lonicera japonica (Honeysuckle)
Nephrolepis cordifolia (Fishbone fern)
Senna pendula (Cassia)
Solanum mauritianum (Wild Tobacco)
Toxicodendron succedaneum (Rhus Tree)
Tradescantia albiflora (Wandering Jew)

49. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
50. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must supervise the excavation procedure.
51. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided at the base of the ramped driveway and be connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by debris.
52. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures, inlets and/or barriers that direct runoff to the formal drainage system.
53. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
54. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location. The system is to be cleaned regularly and maintained to the satisfaction of Council.

The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s). All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.
55. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to

eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

56. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
57. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
58. Suitable oil separator units shall be provided in the drainage systems of basement carparking areas. These shall be designed to remove oils and sediment from any water runoff from these areas prior to discharge to the main stormwater system.
59. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
60. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking" and the provisions of State Environment Planning Policy for 'Seniors Living' . The driveway and circulation aisles must accommodate two-way traffic.
61. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.

62. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
63. The Applicant must obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
64. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
65. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorized statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
66. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority’s local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the occupation Certificate.
67. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.

68. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

69. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

70. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
71. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

72. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
73. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
74. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

75. To preserve the following tree/s, footings of the proposed SOUTHERN SIDE BOUNDARY RETAINING WALL shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
<i>Fraxinus syriaca</i> (Syrian Ash)	5m
Adjacent to the site's southern side boundary.	

76. Prior to issue of the Construction Certificate, the Applicant must submit and have approved by Council design documentation and specifications for the following infrastructure works in the Road Reserve, which must be completed prior to occupation:

77. Full footpath construction and associated infrastructure works which comply with the accessibility requirements of the State Environment Planning Policy for Seniors Living. The footpath and associated works shall conform with design guidelines (grades, widths) on quality of the footpath route and proximity to services/transport set out in the State Environment Planning Policy. The necessary adjustments to intervening driveway crossings must be made to facilitate the footpath construction.

Council will assess plans for the necessary works under section 138 and 139 of the *Roads Act 1993*. The Construction Certificate must not be issued until Council has issued a formal written consent under the *Roads Act 1993*. To obtain assessment under the *Roads Act 1993* for the infrastructure works necessary on Council property, full engineering drawings (plans, longsections and elevations) and specifications for the works must be prepared. A suitably qualified and experienced consulting engineer and/or surveyor must prepare the plans. Plans and specifications must be submitted and approved by Council (only) as the Roads Authority in this location. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act* approval.

The works must be designed in accordance with Council's "Specification for Road and Drainage Works". The exact locations of all existing services, driveway crossings, street trees and signs in relation to the footpath route must be shown on the plans submitted. In addition, the drawings are to detail erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

A minimum of three (3) weeks will be required for assessment. Early design and submission is recommended to avoid any delay in Construction Certificate issue. An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees. Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property, reason for submission and the accompanying DA number. Failure to do so may delay the processing of the application.

- a. To ensure that the required infrastructure works on Council property, approved under the *Roads Act 1993*, are carried out to Council's requirements, the developer must lodge a bond to the value of \$ 20,000 (twenty thousand dollars). The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site at all hold points specified in the *Roads Act* Approval, and is satisfied that the works have been carried out to Council's requirements. Council may use part or the entire bond to complete the works to its satisfaction if the works do not meet Council's requirements. After Council's final

inspection of these works 10% of the bank guarantee will be retained for a further six (6) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

78. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these. Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents.

The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

79. Prior to the issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority, a revised plan for the basement parking area and vehicular access driveway. The plan shall incorporate the following revisions to the plan basement plan A1.02 (B) by Building Design and Technology, dated 2.12.2004:
- a. An increase in the width of non-complying vehicle spaces so that all parking spaces (notably spaces 2, 4, 6) have a minimum width of 3.2 metres and length of 6 metres, in accordance with the requirements of the State Environment Planning Policy for 'Seniors Living'.
 - b. Ramped access driveway shall be widened to have a minimum clear width of 6 metres so that ingressing and egressing vehicles may pass on the driveway. This is because sight distance from one end of the driveway to the other is limited.

A qualified civil/traffic engineer shall certify on the revised plan that the parking provisions provided in common areas and within private parking areas comply with the State Environmental Planning Policy for Senior Living (particularly

relating to height clearances and space dimensions) and the Australian Standard 2890.1 – 2004 “Off-street car parking”.

80. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted to and approved by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement parking slab. The driveway profiles must demonstrate the following:
- a. That vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - b. That all changes in grade (transitions) comply with Australian Standard 2890.1 – “Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

The longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

81. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
82. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for provision of a 5,000 to 10,000 litre rainwater tank(s) within the subject property, to be used for garden irrigation purposes. The tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of rainwater storage, after which runoff reverts to the main drainage system. A design shall be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 (appendix 6), available in hard copy at Council and on the Council website.

NOTE 1: Maximum capacity of an individual rainwater tank to be 10,000 litres.

NOTE 2: If abutting a wall of the dwelling, rainwater tanks must be below the eaves line.

NOTE 3: Rainwater tanks must not be located on the front façade of a dwelling.

NOTE 4: If rainwater tanks are to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of a rainwater tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

- NOTE 6: Rainwater tanks to be commercially manufactured tanks designed for the use of water supply and to be installed in accordance with manufacturer's specifications. A first flush system shall be provided.
- NOTE 7: Rainwater tanks to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 8: Rainwater tanks to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 9: Rainwater tanks to be fitted with measures to prevent mosquito breeding.

83. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage requirements for the on-site stormwater detention system. The design shall be generally based on the concept plans by United Consulting Engineers, drawings 03MB1252/D01 and D02, revisions B dated December 2004, and shall be an advancement of these plans suitable for construction issue purposes. The storage volume shall comply with Council Stormwater Management and on-site detention design shall comply with Councils Water Management DCP 47, appendix 5 (available on the Council website and at Council customer services). The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan. The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.
84. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
85. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.

86. To enable compliance with the requirements of Clause 25(e) of SEPP 5 the main entrance to each unit shall be provided with a glazed panel 200mm in width for either the entire height of the door or alternatively from a height of 1.0metre from the finished floor level to at least 1.8 metres above the finished floor level. Additionally each main entrance shall be provided with an eye 'peep hole' to enable residents to view persons at the front door without the need to open the front door. Details of such shall be provided in the Construction Certificate Plans.
87. A construction traffic management plan be prepared and submitted to and approved by the Council which includes:
- No heavy construction vehicles to use Bunyana Avenue;
 - Traffic controls in and out of the site during construction; and
 - Any necessary traffic controls for using Clissold Avenue.
88. Prior to the issue of the Construction Certificate, the Applicant must submit to Council, design documentation and specifications for the following infrastructure works in the Road Reserve which, if approved, must be completed prior to occupation:
- Footpath and associated infrastructure works which comply with SEPP 5 requirements to enable pedestrian and disabled access to the existing bus stop between 42 and 44 Clissold Road, Wahroonga. Works to conform with guidelines on quality of the footpath route and proximity to services.

The plans are also to be accompanied by a report from a qualified arborists (referencing the design plans), advising the proposed footpath design will allow for the retention of the existing Turpentine on the Road Reserve in front of 40 Clissold Road and recommendations on construction methods to be used.

89. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIVE ADDITIONAL DWELLINGS IS CURRENTLY \$55,788.30. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

- | | |
|-------------------------------------|---------|
| 1. Preparation of New Residents Kit | \$10.98 |
| 2. New Resident Survey | \$9.87 |

3.	New Library bookstock	\$17.95
4.	New Public Art	\$2.93
5.	Acquisition of Open Space - Wahroonga	\$7,851.00
6.	Koola Park upgrade and reconfiguration	\$143.09
7.	North Turramurra Sportsfield development	\$986.80
8.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
9.	Section 94 Officer for period of Plan 2000-2003	\$118.42
10.	Preparation of New SEPP 5 Residents Kit	\$22.44
11.	SEPP 5 S94 Study and Interim Plan, 2000-2003	\$108.95

To obtain the total contribution figure the occupancy rate for all SEPP 5 developments is 1.3 persons.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

90. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
91. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
92. The following are required details and must be submitted to the Principal Certifying Authority *prior to the works relating to the detail being carried out*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. A Registered Surveyor's set out report.
93. Five units are to be designed to meet the requirements of Clause 13A(2)(a) of State Environmental Planning Policy No 5 for disabled occupation to the satisfaction of Council. Full details are to be submitted to and approved by the Principal Certifying Authority prior to work commencing.
94. To enable the "ageing in place" philosophy to be achieved in Ku-ring-gai:
 - a. Prior to the commencement of construction, documentary evidence is to be provided to Council's satisfaction, of an agreement with suitably qualified service provider/s for the provision of the following services if and when required by any of the residents of the development:
 - Personal care, including bathing and dressing;
 - Housekeeping, including cleaning and laundry;
 - Home delivered meals; and
 - 24 hour a day monitored emergency call system.
 - b. The documentary evidence is to include the following details:

- Proposed cost to residents of each of the services listed in (a) above; and
 - Proposed means of altering the cost to residents of these services. This may include: linking costs to the Consumer Price Index or a proportion of the Aged Pension; or be selecting a new service provider.
- c. Promotional material shall include details of the services available to residents of the development and their cost.
- d. A comprehensive residents' manual is to be provided to all residents which includes information of relevance to them, such as doctors, churches and other community services and facilities.
95. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

Fraxinus syriaca (Syrian Ash) / Adjacent to the site's southern side boundary.

96. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location

Radius in Metres

Eucalyptus scoparia (Willow Gum) 8m
Abutting the rear boundary of No 4
Bunyana Avenue, Wahroonga.

Araucaria columnaris (Cook Island Pine) 5m
Adjacent to the site's central rear boundary.

Jacaranda mimosifolia (Jacaranda) 3m
Adjacent to the site's central front boundary.

97. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed SOUTHERN BOUNDARY RETAINING WALL shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
<i>Fraxinus syriaca</i> (Syrian Ash)	5m
Adjacent to the site's southern side boundary.	

98. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
99. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE FINAL COMPLIANCE CERTIFICATE

100. Low level lighting shall be provided along the entrance pathway and the driveway to the front entries of each unit in accordance with the requirements of SEPP 5. The lighting must provide at least 50 lux at ground level. Documentary evidence of such is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
101. To ensure compliance with the requirements of SEPP 5 13(6) and the documentation submitted with the development application the garages shall be provided with a power operated roller door. Additionally the visitor car parking spaces shall have a minimum dimension of 6 x 3.2 metres 98. To ensure compliance with the requirements of SEPP 5 every entry must have an entry door handle and other hardware that complies with AS 1428. Additionally all exterior doors for each dwelling shall be keyed alike. The entrance must comply with clauses 4.3.1 and 4.3.2 of AS 4299. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
102. To ensure compliance with the requirements of SEPP 5, every entry must have an entry door handle and other hardware that complies with AS1428. Additionally all exterior doors for each dwelling shall be keyed alike. The entrance must comply with clauses 4.3.1 and 4.3.2 of AS 4299.
103. To ensure compliance with the requirements of SEPP 5, clause 13A(9) each interior door must have a clearance of at least 820 millimetres, internal corridors must have a width of at least 1000mm and the width at internal door approaches must be at least 1200mm.

Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
104. To ensure compliance with SEPP 5, clause 13A (10) the living room must have a circulation space of at least 2250mm in diameter as set out in clause 4.7 of

AS4299 and a telephone adjacent to a general power point. Additionally the living and dining room must have a potential illumination of at least 300 lux.

105 To ensure compliance with the requirements of Clause 13A(11) of SEPP 5 the kitchen shall meet the following requirements:

- a. a width of at least 2.7 metres and a clear space between benches of at least 1 450 millimetres, and
- b. a width at door approaches of at least 1 200 millimetres, and
- c. benches that include at least one work surface:
 - i. that is at least 800 millimetres in length, and
 - ii. the height of which can be adjusted from 750 millimetres to 850 millimetres, and
- d. a tap set:
 - i. that is located within 300 millimetres of the front of the sink, and
 - ii. that is a capstan tap set or that comprises lever handles or a lever mixer, and
- e. a thermostatic mixing valve for the hot water outlet, and
- f. cook tops:
 - i. with either front or side controls, and
 - ii. with controls that have raised cross bars for ease of grip, and
 - iii. that include an isolating switch, and
- g. a worksurface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- h. an oven that is located adjacent to a worksurface the height of which can be adjusted, and
- i. "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- j. general power outlets: at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Documentary evidence shall be submitted prior to the release of an Occupation Certificate.

106. To ensure compliance with Clause 13A(12) of SEPP 5 the main bedroom shall be provided with 2 double general power outlets on the wall where the head of the bed is likely to be; at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be; a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet and a potential illumination level of at least 300 lux. The bedroom must have an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1200mm wide at the foot of the bed. Documentary evidence shall be submitted prior to the release of an Occupation Certificate

107. To ensure compliance with the requirements of Clause 13A (13) the bathrooms must comply with the following:

- a. an area that complies with AS 1428, and
- b. a slip-resistant floor surface, and

- c. a shower:
 - i. the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - ii. the recess of which does not have a hob, and
 - iii. that is waterproofed in accordance with AS 3740, and
 - iv. the floor of which falls to a floor waste, and
 - v. that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - vi. that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - vii. that has the tap set positioned so as to be easily reached from the entry to the shower, and
 - viii. that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
 - ix. that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
 - d. thermostatic mixing valves for all hot water outlets, and
 - e. a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
 - f. a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
 - g. a mirror, and
 - h. a double general power outlet beside the mirror.
108. To ensure compliance with Clause 13A (16) the laundry within each dwelling shall have a thermostatic mixing valve for all hot water outlets and a slip-resistant floor surface. There must also be a clear space in front of appliances of at least 1300 mm.
109. To ensure compliance with Clause 13A (17) a self-contained dwelling must be provided with a lined cupboard that is:
- a. able to be operated with one hand, and
 - b. located between 900mm and 1100mm above floor level.
110. To ensure compliance with Clause 13A(18) door handles for opening doors must be able to be operated with one hand and located between 900mm and 1100mm above floor level.
111. To ensure compliance with Clause 13A (19) and (2) all balconies and external paved areas must have slip resistant surfaces and switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
112. To ensure accessibility to from the living/dining rooms to the private open space the variation between the FFL of the rooms and the courtyard will be provided with a small threshold ramp in accordance with AS1428.1.

113. To ensure compliance with Clause 13A (20) switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
114. To ensure compliance with Clause 13A(2)(d), 10% of the dwellings within the proposed development shall be capable of being modified so that they have wheelchair access by a continuous path of travel (within the meaning of AS1428) to all essential areas and facilities inside the dwelling. Documentary evidence shall be submitted prior to the release of an Occupation Certificate indicating compliance with this condition prior to the release of an Occupation Certificate.
115. 1.8m lapped and capped timber courtyard fences are to be provided as required in Development Control Code 1/2003 - Housing for Older People or People with a disability.
116. To ensure further compliance with Development Control Code 1/2003 – Housing for Older People or People with a disability, the applicant must provide lockable letterboxes adjacent to the main pedestrian entry.
117. Certification prepared by a Registered Surveyor confirming the development consists of a maximum of floor space ratio of 0.5:1 in accordance with the definition with State Environmental Planning Policy No 5 shall be submitted to the Principal Certifying Authority prior to the release of any Occupation Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

118. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
119. Prior to issue of an Occupation Certificate the following works must be completed:
 - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - b. Construction of accessible footpath between the site and nearby bus stop/shops in accordance with the *Roads Act* approved drawings,
 - c. Removal of all redundant driveway crossings or kerb laybacks or sections thereof. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.

- d. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

- 120. Prior to issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

- 121. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
 - c. The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

- 122. Prior to issue of an Occupation Certificate the approved road, footpath and/or drainage works must be completed in the road reserve. The works shall be completed in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved

drawings. Any conditions attached to the approved drawings for these works must be met in full.

123. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
124. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) written certification from a suitably qualified and experienced traffic/civil engineer, that:
 - a. The dimensions of each as-constructed private carparking space meets the dimension requirements of the Seniors Living SEPP (as last amended), and
 - b. The as-constructed carpark complies with the approved Construction Certificate plans, and
 - c. The vehicular headroom requirements of:
 - the Seniors Living SEPP (as last amended) for accessible parking spaces, and
 - Australian Standard 2890.1 - “Off-street car parking”, and
 - 2.44m height clearance for waste collection trucks (DCP 40) are met from the public street into and within the applicable areas of the basement carpark, and
 - d. The gradients of the constructed access driveway from the public street to the basement carpark are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.
 - e. No doors or gates have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.

The certifying engineer shall carry out a site inspection and measure each carspace in order to satisfy this condition.

125. Prior to issue of an Occupation Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - “Design of on-site detention systems”. The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:
 - As constructed levels in comparison to design levels
 - As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements

- As built locations of all pits and grates in the detention system, including dimensions.
- The size of the orifice or pipe control fitted.
- Dimensions of the discharge control pit and access grates
- The achieved capacity of the detention storage and derivative calculation.
- The maximum depth of storage over the outlet control.
- Top water levels of storage areas and RL's at overflow point(s)

126. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:

- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
- b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
- c. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- a. As built reduced surface and invert levels for all drainage pits and connection points, including the on-site detention system.
- b. Orifice details.
- c. As built reduced level(s) at the approved point of discharge to the public drainage system.
- d. Gradients of drainage lines, materials and dimensions.

127. The creation of a Restriction-on-Use under the Conveyancing Act, prior to the issue of an Occupation Certificate, restricting the occupation of the premises to:

- a. Seniors and those with a disability as defined in the State Environmental Planning Policy for 'Seniors Living'.
- b. People who live with such people as defined in (a) above.
- c. Staff employed to assist in the administration of and provision of services to housing provided in this development.

128. Prior to issue of an Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

129. Prior to issue of an Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
- According the relevant Australian Standards and guidelines and
 - According to any approved Geotechnical report undertaken for the development and
 - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
130. Prior to the issue of the Occupation Certificate construction of the footpath from the front pedestrian entrance of the site to the bus stop between 42 and 44 Clissold Road is to be completed in accordance with the plans approved by Council. The works are to be supervised by the Applicant's designing engineer or surveyor who is to provide certification upon completion that the works were constructed in accordance with the approved drawings.

BUILDING CONDITIONS

131. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - Retaining walls and associated drainage.
 - Wet area waterproofing details complying with the Building Code of Australia.
 - Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
132. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

CARRIED UNANIMOUSLY

131 **Investment Cash Flow & Loan Liability as at 31 March 2005**

File: S02722

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for March 2005.

Resolved:

(Moved: Councillors Hall/Shelley)

That the summary of investments, daily cash flows and loan liability for March 2005 is received and noted.

CARRIED UNANIMOUSLY

132 **8 West Street, Pymble - Relocation Of Council Drainage Easement And Stormwater Pipeline**

File: DA1572/03

For Council to consider granting approval for the relocation of a council stormwater pipeline and drainage easement to the applicant for 8 West Street, Pymble.

Resolved:

(Moved: Councillors Hall/Ebbeck)

- A. That Council grant approval for the extinguishment of the existing easement and creation of a new drainage easement 2.2metres wide and variable over Lot A2 in DP 361723, known as 8 West Street, Pymble.
- B. That authority be given to affix the common Seal of the Council to the instrument for release and creation of new easements and Restriction on Use of Land.
- C. That a positive covenant be created to include additional maintenance costs arising from the removal panels be placed onto the property owner and successors in title.
- D. That altering the terms of said Easements for drainage including release and creation including Council's legal costs and disbursements be borne by the applicant.
- E. That Council approve the proposal to modify the stormwater drainage pipelines in accordance with revised stormwater plans and details, drawings C1-C7

Revision A, prepared by Appleyard Forrest Consulting Engineers Pty Ltd and subject to the following conditions:

1. The carrying out of all drainage works in accordance with the plans and specifications approved by Council at no cost to Council.
 2. The works are subject to inspections. The Applicant or their engineer is to give Council at least 24 hours notice (to allow inspections) at the following stages:
 - i. After completion of excavation and prior to pipe laying commencing.
 - ii. After completion of pipe laying prior to backfilling,
 - iii. On completion of pipeline installation
 3. That prior to construction of the dwelling, fencing or suitable alternative be installed around the easement perimeter to prevent loading by heavy construction machinery on the area directly above the pipelines at no cost to Council.
- F. That after the dwelling is completed, an inspection of the pipeline by Closed Circuit TV or suitable alternative be undertaken to verify the structural integrity of pipelines at no cost to Council, prior to the issue of Occupation Certificate.

CARRIED UNANIMOUSLY

133 **15 Pearson Avenue, Gordon - Relocation of Drainage Easement and Stormwater Pipeline**

File: DA0177/03

To consider a request for the proposed relocation of a Council stormwater drainage pipeline and easement located within No 15 Pearson Avenue, Gordon.

Resolved:

(Moved: Councillors Hall/Ebbeck)

- A. That Council approve the granting of the proposed drainage easement described in the instrument setting out the terms of easement intended to be created and released pursuant to section 88B Conveyancing Act 1919. These terms specify the release of Easement and Restrictive Covenant 1.22 metres wide over 15 Pearson Avenue and creation of a new Easement to Drain Water 1.22 wide over 17 Pearson Avenue and creation of a new Easement 1.6 wide and variable and Restriction on Use of Land over 15 Pearson Avenue, Gordon.
- B. That authority be given to affix the Common Seal of Council to the instrument for release and creation of new easements and Restriction on Use of Land.

- C. That altering the terms of said easements for drainage including release and being conditional on payment to Council of Council's legal costs and disbursements.
- D. That Council approve the proposal to modify the stormwater drainage pipelines in accordance with revised stormwater plans and details, drawings GD 2.1, GD 2.4 and GD 2.7 Revision D, along with GD 2.2, GD 2.5 and GD 2.6 Revision C, prepared by K.R Stubbs & Associates Pty Ltd and subject to the following conditions:
1. The carrying out of all drainage works in accordance with the plans and specifications approved by Council at no cost to Council.
 2. The works are subject to inspections. The Applicant or their engineer is to give Council at least 24 hours notice (to allow inspections) at the following stages:
 - i. After completion of excavation and prior to pipe laying commencing.
 - ii. After completion of pipe laying prior to backfilling,
 - iii. On completion of pipeline installation
 4. That prior to construction of the dwelling, fencing or suitable alternative be installed around the easement perimeter to prevent loading by heavy construction machinery on the area directly above the pipelines at no cost to Council.
 5. That after the dwelling is completed, an inspection of the pipeline by Closed Circuit TV or suitable alternative be undertaken to verify the structural integrity of pipelines at no cost to Council, prior to the issue of Occupation Certificate.
 6. That erosion control measures described by notes on drawing GD 2.6 be amended to detail and show the location and extent of the layout on the plan.

CARRIED UNANIMOUSLY

134 **1580 To 1596 Pacific Highway - Connection And Discharge Of Property Stormwater To Council Drainage Pipeline Between Munderah Street And Gilda Avenue, Wahrenonga**

File: DA1081/04

To consider a request by the Applicant for 1580-1596 Pacific Highway, Wahrenonga to alter the terms of a Council drainage easement over five downstream properties to permit connection and discharge into a Council pipeline.

Resolved:

(Moved: Councillors Hall/Ebbeck)

- A. That Council grant approval to alter the terms of the Council easements burdening 5, 7 and 9 Rhonda Close as well as 17 and 19 Gilda Avenue to allow the surface, roof and stormwaters from, Lot B in DP301211, Lots 1 and 2 in DP 614137, Lots 1 and 2 in DP 228983, Lot X in DP 401889, Lot B in DP 390737 and Lot B in DP 334713, known as 1580 - 1596 Pacific Highway into the Council pipeline.
- B. That the two connections be formalised by the creation of easements 1.83 metres wide to drain water pursuant to Section 88B of the Conveyancing Act 1919 over 5, 7 and 9 Rhonda Close as well as 17 and 19 Gilda Avenue, Wahroonga at the applicant's cost.
- C. That authority be given to affix the Common Seal of Council to appropriate instrument for the release and creation of the easement.
- D. That altering the terms of the easements be carried out by the applicant's solicitors and the payment of Council's legal costs and disbursements be paid by the applicant.
- E. That the direct connections to the Council pipeline be undertaken in accordance with Council Plan No 82-024.

For the Resolution: The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Innes, Lane

Against the Resolution: Councillors Bennett, Malicki and Shelley

135 **2005 To 2006 RTA Road Repair Program**

File: S02388

To advise Council of the Roads and Traffic Authority's offer of funding for the 2005/2006 REPAIR Program.

Resolved:

(Moved: Councillors Hall/Lane)

- A. That Council accept the grant offer of \$103,200 from the Roads and Traffic Authority under the 2005/2006 REPAIR Program for pavement rehabilitation of Eastern Road, Turramurra between Brentwood Avenue and Hastings Road.
- B. That Council include these projects in the 2005/2006 Capital Works Program and funds its contribution of \$103,200 from the proposed 2005/2006 Road Rehabilitation Program.

- C. That Council write to the RTA expressing concern about the condition of regional roads in Ku-ring-gai and requesting a review of the 2005/2006 REPAIR Program Grant.

CARRIED UNANIMOUSLY

136 **Policy On Drainage Works And Maintenance**

File: S02773

To seek Council's approval to adopt the Policy and Procedures for drainage works and maintenance dated November 2004 including a five year drainage program.

Resolved:

(Moved: Councillors Hall/Ebbeck)

That Council adopt the Policy for Drainage Works and Maintenance Procedures, dated November 2004, including 2004/05-2008/09 Program.

For the Resolution: The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Innes, Lane, Malicki and Shelley

Against the Resolution: Councillor Bennett

137 **Proposed 5 Year Licence To NSW School Students Model Railway Guild Inc To Use Part Of The Craft Pavilion, St Ives Showground**

File: S04036

For Council to consider granting a five (5) year licence to the NSW School Students Model Railway Guild for use of part of the craft pavilion within St Ives Showground.

Resolved:

(Moved: Councillors Hall/Bennett)

- A. That Council as Trustee of the St Ives Showground (St Ives Showground Reserve Trust) grant a five (5) year licence to the NSW School Students Model Railway Guild Inc for the use of part of the Craft Pavilion, commencing from the date of Council's resolution and on terms as outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence.

- D. That following the execution of the new licence, the documents are submitted to the Department of Lands for the Minister's consent.

CARRIED UNANIMOUSLY

138 **Development Control Plan No 47 - Water Management**

File: S02252

To present amended Draft Development Control Plan (DCP) No 47 - Water Management to Council for adoption.

Resolved:

(Moved: Councillors Hall/Lane)

That the revised Draft DCP47 – Water Management be adopted.

CARRIED UNANIMOUSLY

139 **Water Management Policy**

File: S02252

To report on the review of the Water Management Policy 1999.

Resolved:

(Moved: Councillors Hall/Lane)

That Council rescind the Water Management Policy 1999.

For the Resolution: The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Innes, Lane, Malicki

Against the Resolution: Councillor Shelley

140 **Funding For Bus Shelter Installations**

(Section 10A(2)(d) – Commercial information of a confidential nature)

File: S03552

Vide Item C.1

Report by Director Technical Services dated 7 April 2005.

Resolved:

(Moved: Councillors Hall/Ebbeck)

That Council approve the estimated costs of \$48,715 associated with the installation and relocation to be funded from the Bus Shelter Advertising and Non-advertising project.

For the Resolution: *The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Innes, Lane and Shelley*

Against the Resolution: *Councillor Malicki*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

141 Construction and Impact on Residents of the Chatswood to Epping Rail Link - Mayor to Write to Premier of NSW

File: S02026

Notice of Motion from Councillor G Innes dated 15 April 2005.

I move:

"That the Mayor, on behalf of Council, write to the Premier of NSW regarding the construction of the Chatswood to Epping rail link, and its impact on residents of Ku-ring-gai, specifically those living in Lindfield and Roseville.

The letter should:

1. Recognise the State Government's role in the expansion of existing metropolitan rail infrastructure, but express Council's concern at the inconvenience and disturbance caused to Ku-ring-gai residents during the tunnel construction. Also recognise the efforts made by the Government and contractors to notify residents, and minimise the inconvenience caused.
2. Express Council's serious concern about the long-term impact on residents through:
 - a. No provision of guaranteed compensation through a minimum value clause should property values not return to their former levels and above following the completion of construction. Such provision has been made for residents in other areas of Sydney when similar tunnels have been constructed.
 - b. The decision not to line the tunnels with material which will reduce the noise and vibration made by trains when the tunnels are in use. Whilst construction noise is inconvenient, this longer-term issue will impact on the quiet enjoyment of affected residents, as well as on the resale value of their properties.

3. Seek an undertaking from the Government to reassess its decision not to line the tunnel with noise-reducing material."

Resolved:

(Moved: Councillors Innes/Ebbeck)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS (CONT'D)

142 **Traffic Access To Memorial Avenue, Mona Vale And Link Roads**

File: S03730

C Berlioz addressed Council

The purpose of this report is to advise Council on the options and issues associated with access to the area bounded by Memorial Avenue, Mona Vale and Link Roads associated with the proposed future development under LEP 194.

Resolved:

(Moved: Councillors Hall/Lane)

That the preferred access arrangements be further assessed following completion of the traffic study for the St Ives area and taking into consideration assessment of likely traffic generation from any development application proposals lodged with Council.

CARRIED UNANIMOUSLY

143 **Hassell Park Oval Clubhouse - Licence To St Ives Rugby Club**

File: S02285

The following members of the public addressed Council:

G Kennan

M Ross-Smith

For Council to consider granting a twenty year licence to St Ives Rugby Club to use Hassell Park Oval clubhouse at St Ives.

Resolved:

(Moved: Councillors Hall/Cross)

- A. That Council as trustee of Hassell Park (Hassell Park Reserve Trust) grant a twenty year licence to St Ives Rugby Club Inc for the use of the Hassell Park clubhouse, commencing from the date of Council's resolution based on the terms and conditions as outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence.
- D. That following the execution of the licence, the documents are submitted to the Department of Lands for the Minister's document.
- E. That the licence period be subject to the Club's completing the extensions / remodelling of the public amenity and other conditions required in the development approval within 5 years of the commencement of the licence.
- F. That the following be inserted in to the licence agreement under multi-use and sharing arrangements, point number one "such agreement not to be unreasonably withheld".
- G. That the licence agreement reflect that the rental subsidy be 85% from years 6 – 10, and 80% for years 11 - 20 of the licence period.
- H. That the licence agreement reflect that drainage and plumbing costs within the licence area be the responsibility of the club.

For the Resolution: The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Innes, Lane, Malicki

Against the Resolution: Councillor Shelley

144 **2-4a Finlay Road, Turramurra - Demolition Of Existing Structures On Site And Construction Of 42 Apartments Within One Building; Associated Access, Basement Parking And Landscaping**

File: DA1270/04

Applicant: Finpac Investments

Owner: R. & P. Leach, K. Jenkins, D.F. and J. Kite

The following members of the public addressed Council:

**G Brown
J Ferres
M Smith
J Wolfe
M Keir**

To determine Development Application No 1270/04 which seeks consent for the demolition of existing structures on site and construction of 42 apartments within one building, associated access, basement parking and landscaping.

Resolved:

(Moved: Councillors Malicki/Andrew)

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979:

THAT Council, as the consent authority, refuse development consent to Development Application No. 1270/04 for the demolition of existing structures on site and construction of 42 apartments within one building, associated access, basement parking and landscaping on land at 2-4A Finlay Road as shown on plans A-000, A100 to A110, A201-A202, A301-A302 (all received 24 March 2005), for the following reasons:

Streetscape and visual impact

- i. The front setback, use and design of the front and rear setback, and design of the apartment building front elevation, results in undue imposition of built form upon the streetscape and upon the rear properties.

Particulars:

- a. A front setback of 9 metres has been provided to Finlay Road. This limits the potential for Deep Soil Zones and tall tree canopy as required by LEP194 and DCP55 and has consequent adverse impact on the Finlay Road streetscape. This is exacerbated by the length of the building, at 60 metres. (*Refer: LEP194 Section 25D Heads of Consideration (b), DCP55 Part 4.3 Control C-1, Part 4.4 Control C-3*).
- b. The limited front setback to Woniora Avenue includes courtyards with a minimum setback of 3.6 metres as opposed to a required 8 metres. This will not allow for acceptable Deep Soil Zones and sufficient tall tree canopy within the front setback and has consequent adverse impact on the Finlay Road streetscape. (*Refer: LEP194 Section 25D Heads of Consideration (b), DCP55 Part 4.3, C-7*).
- c. The design of the front setback, in particular the use of materials and the use of off-white render, detracts from the natural setting and existing built form of Finlay Road. (*Refer: DCP55, Part 2, Controls E-11, E-12*)(*N.B. – this can likely be addressed via condition*).
- d. Limited setback has been provided to the rear of the site, where a setback of 3.6 metres has been provided to the basement carpark. This prevents establishment of a tall tree canopy within Deep Soil Zones as required by LEP194. (*This is particularly important given the concurrent application to the east of the site, which has also been provided with limited setbacks and will also not be able to accommodate tall trees*) (*Refer: LEP194,*

Section 25D Heads of Consideration (a)(b), DCP55 Part 4.3, Control C-1).

- e. The rear of the building has been provided with balconies which extend beyond the building, providing little amenity for the users of these balconies, and failing to integrate into the building design (*Refer: DCP55, Part 4.4, Control C-6*).

Landscape

- ii. The Deep Soil Zone provision is 48.2%, rather than the 50.6% as suggested within the application. A SEPP1 is required for this departure from the standard. (*Refer LEP194 Section 25I(2)(c)) (N.B. Further details contained within the Statement of Basic Facts. This can likely be resolved by increasing the setbacks off the site boundaries for the pool and retaining walls to a minimum 2.0m to comply with LEP194)*.
- iii. Tree #1/54 *Nyssa sylvatica* (Tupelo) located adjacent to the eastern site boundary and adjoining heritage listed property is not shown to be retained. The tree provides amenity to the site and the adjoining property. As the tree is outside of development works, it is required to be retained. This will require some alteration to the proposed landscape works/turf area.
- iv. The proposed swimming pool, located in the south-east corner of the site, has a setback of approximately 1.4m to the water line. To maximise landscape amenity and deep soil landscaping, the pool should have a minimum 2.0m setback from site boundaries to the outer coping edge.

Residential amenity

- v. The proposed development fails to provide for adequate visual privacy, internal amenity and outdoor open space in accordance with the provisions of DCP55.

Particulars

- a. The application provides instances where the privacy of future residents is not assured. In particular, the pedestrian ramps will have negative impact on those dwellings immediately to the front of the ramp. Specifically, there are concerns with respect to the northern pedestrian ramp and views into Unit B11 at RL177.00, and from the central pedestrian ramp into Units C21 and C22 at RL174.00 (*Refer: DCP55, Part 4.5*).
- b. The application provides several instances where the internal corridor layout width, and the width at lift lobbies, is narrow. This provides for limited manoeuvring space for furniture removals (*Refer: DCP55, Part 4.5, Control C-5*).
- c. The application fails to provide open space with dimensions in accordance with DCP55. In particular, units C11, C21, D11, D21 and D31 are undersized or have minimal widths (*Refer: DCP55, Part 4.5, Controls C-1, C-2, C-4*).

Site access

- vi. The raised pedestrian entry ramps are of minimum width with no landing. This will prevent pedestrian access along the frontage of this site, particularly if a vehicle is parked on Finlay Road.

Energy efficiency

- vii. The proposal fails to provide for an adequate NatHERS energy efficiency rating in accordance with the provisions of DCP55. Only 57% of the units have achieved a 4.5 star rating, where it is anticipated that at least 90% of the units should achieve a 4.5 star rating (*Refer: DCP55, Part 4.8.1, C-4*).

Parking

- viii. The proposed level of visitor parking fails to comply with the requirements of LEP194. Eleven spaces are required, whereas ten have been provided. No SEPP1 objection has been submitted. (*Refer: LEP194, Section 25J(2)(b) 'one space is provided for every 4 dwellings or part thereof'*).

Inadequate information/plan inconsistencies

- ix. The Concept Stormwater Drainage & On-site Retention Details Plan submitted with the application shows a 1.5m wide drainage easement through the adjoining property to discharge into the existing natural overland flow path. This area of the adjoining site has not been surveyed and the location of existing trees and vegetation has not accurately been undertaken. Further information is necessary to determine the potential adverse impacts on existing trees of the drainage easement.
- x. The submitted arborist's report is unsatisfactory as it does not provide sufficient detail to fully assess and locate the existing trees on site and the impacts of the associated works. A revised arborist's report is required (further details are provided within the Statement of Basic Facts).
- xi. Consent of downstream property owners (1456a and 1454 Pacific Highway) to grant an interallotment drainage easement has not been provided, as required by Ku-ring-gai Water Management Development Control Plan 47.
- xii. The Construction Management Plan has not indicated the Location of Works Zone, on site parking for employees and tradesmen (if available), construction vehicle routes to and from the west and correct hours of work.
- xiii. The stormwater management plan has not provided the level of detail required within Appendix 13 of Council's DCP 47 Water Management, including: separate storage of rainwater and stormwater, water quality measures, concept design for the proposed interallotment drainage through 1456a and 1454 Pacific Highway, pipes laid outside deep soil zone, water balance to demonstrate attenuation of discharge, or the provision of an on site detention component.

- xiv. The plans are insufficient to ascertain levels of the floors from natural ground level. Levels from natural ground level are not provided in sections at critical points over the building.

Particulars:

- a. The point of the northern-most lift the levels from the survey as compared to the elevations would suggest a level of greater than 1.2 metres for basement 1. This results in a consequent seventh floor (depicted as ‘roof level’), for which a SEPP1 objection would need to be provided. An elevation through this critical point needs to be provided to clarify this non-compliance.

CARRIED UNANIMOUSLY

145

1 & 1a Lamond Drive, 1444 & 1444a Pacific Highway, Turramurra - Demolition Of Existing Houses And Construction Of A Residential Flat Building Comprising 51 Units, 102 Basement Car Spaces And Associated Landscaping

File: DA1099/04

Ward: Comenarra

Applicant: Lexinghouse 88 Pty Ltd

Owner: MG & JC Brand, GG & SK Cassar, SY & UJ Yim, CA & SR Tatham

The following members of the public addressed Council:

S Tathan

J Ferres

M Smith

M Riley

To determine Development Application DA 1099/04 which seeks consent for the demolition of existing dwellings on site and construction of a single residential flat building comprising 51 units, basement car parking and landscaping.

Councillor Cross withdrew during discussion

Resolved:

(Moved: Councillors Andrew/Malicki)

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979:

THAT Council, as the consent authority, refuse development consent to Development Application No 1099/04 for the demolition of existing structures on site and construction of 51 apartments within one building, associated access, basement parking and landscaping on land at 1-1A Lamond Drive, Turramurra as shown on plans A-000, A102 to A110, A201-A202, A301-A302 (all received 14 March 2005), for the following reasons:

1. Inadequate Information

The documentation and plans submitted are inadequate and fail to provide information in order for Council to properly assess the application.

Particulars

1.1 SEPP 1 objection - Deep soil landscaping

The application proposes deep soil landscaping amounting to less than 50% of the site area. This discrepancy is due to:

- the insufficient width of the terraces in Lamond Drive which are excluded as deep soil area. (There is a discrepancy between the architectural plans, sections and the landscape plans.)
- the elevated timber walkways along the length of the northern boundary are shown on the landscape plans and storm water designs but not in the architectural plans. In addition these are more than 1m wide and are therefore excluded from the deep soil planting area.
- stormwater drainage plans show additional extensive paved areas in the western (rear) and northern (side) setback areas which are not reflected in the landscape nor in the architectural plans. The architectural plans show these areas as being levelled.
- paved areas north of Unit A11 and the series of retaining walls required in this area do not satisfy the requirements and do not constitute deep soil area.
- the provision of an electrical substation and associated manoeuvring space required by Energy Australia will further reduce the deep soil area.

This fails to satisfy the standard contained in Clause 25I 1(2) of LEP 194 that requires sites with an area of 1,800 square metres or more to have deep soil landscaping for at least 50% of the site area.

A SEPP 1 objection, which should justify why it is unreasonable and unnecessary to apply the standard in this instance, has not been provided.

1.2 Owner's consent

The applicant proposes demolition works to structures within an existing right of carriage way. The necessary consent from the owners of the dominant tenement has not been obtained.

The applicant proposes to reduce the width of Kirawa Close and introduce landscaping in its stead. The driveway is reduced in width by 2m to 3.6m thus effectively halving its width and reducing its usability. The owners of No. 1446 Pacific Highway are benefitted by a right of carriage way over the concrete driveway and their consent has not been obtained.

1.3 Discrepancies between plans and level of detail

The landscape plan does not contain sufficient information to enable an assessment of the proposed landscape works. Numerous discrepancies between the landscape plans, architectural plans and the stormwater plans are evident.

- a. The landscape plan does not indicate existing and proposed levels. This is particularly relevant to determine the accessibility and functionality of the common open space areas in light of the various discrepancies highlighted in paragraph 1.1.
- b. Discrepancies in the paved areas on the various plans should be addressed.

2. Streetscape Impact

The proposal is inconsistent with Clause 25I (1)(a), (c), (d) and (e) of Part IIIA of the Ku-ring-gai Planning Scheme Ordinance in that the proposal will have a detrimental impact on the residential character of the area and adjoining properties due to the scale of the built form, lack of area proposed for landscaping and minimal setbacks proposed.

Particulars

- 2.1 Less than 50% of the site area is proposed as deep soil landscaping and fails to satisfy Clause 25I 1(2) of LEP 194 which requires 50%.
- 2.2 The building width to Lamond Drive measures approximately 72m and exceeds the 36m maximum required by Clause 4.4 C-3 of DCP55. There is a concern with the length of the building as it “fills up” the entire Lamond Drive frontage which only measures 61m. The resulting tunnel effect blocks out all views/glimpses to the north and to the west.

An improved outcome may be achieved by splitting the development into two more sympathetically scaled modules which reflect the character of the locality. The scale of these modules should be in keeping with the recommended building envelopes provided in DCP 55 - Multi-unit Housing: Railway/Pacific Highway Corridor and St Ives Centre.

- 2.3 The proposal fails to maintain a front setback zone to Lamond Drive of 13-15m as required by Clause 4.3 C-1 of DCP 55. Terraces and the basement car park are shown with setbacks of 7m.
- 2.4 The 7m setback to Lamond Drive and the 72m length of the building will create an overbearing built form to Lamond Drive. The built form will undermine the streetscape setting, by reason of its limited landscaped character; prominence to the street boundaries and the cramped arrangement of the structure due to the disproportionate distribution of the open space areas compared to the existing character of the locality.

The already limited scope for landscaping within the 7m setback is further reduced by:

- a. the extensive retaining walls required in the setback area due to the >5m height difference between street level and ground levels;
- b. the resulting stepped planter boxes (<2000mm clear width) are not capable of supporting significant landscaping such as canopy trees,
- c. only a strip of 2800mm wide is available between the first retaining wall and the street boundary for screening at the Lamond Drive level;
- d. the remainder of available landscaping area is taken up by private courtyards, the car park access ramp, pedestrian access ramps and the basement car park;
- e. a large part of the front setback area is also affected by the stormwater drainage system which further reduces the landscape area;

The above does not adequately allow for tree replenishment within the Lamond Drive frontage that is characteristic of the site and immediate area. This is highlighted within the proposed landscape works that show no canopy trees within this setback. Trees proposed are small to medium sized species, none of which are locally occurring. This goes against LEP site requirements and standards which states the “desirability of adequate landscaping so that the built form does not dominate the landscape”. The site and surrounding area’s character is one of large Eucalypts and a continuous interconnecting tree canopy. The proposed development, particularly within the Lamond Dr frontage, does not provide for effective landscaping to lessen the dominance of the built form.

- 2.5 The proposal fails to maintain a front setback zone to the Pacific Highway of 10-12m as required by Clause 4.3 C-1 of DCP 55.

- 2.5.1 The basement car park and acoustic fence are shown with setbacks of 7.2m and 5m, respectively.

- 2.5.2 The limited scope for landscaping within the reduced setback areas is further reduced by the private courtyards that:

- a. make significant screen planting highly unlikely (within the courtyards) and;
- b. undermine the preservation of a co-coordinated landscape theme in the long term.

A large percentage of the Pacific Hwy site frontage is taken up by private courtyards, leaving a front setback less than 5m as communal open space that is available for large tree replenishment. It is noted that Eucalyptus saligna (Bluegum) have been nominated within the site frontage in close proximity to a proposed front wall. In the long term, this is impractical as the expanding roots from the trees will likely crack and compromise the integrity of the wall.

- 2.6 The proposal will not achieve appropriate separation with properties to the north (1446 and 1446A Pacific Highway) due to the inadequate side setback and lack of substantial screen planting and canopy trees.

A 6m setback is proposed between the terrace/pergola of Unit A11 and the northern boundary (1446 Pacific Highway). The 6m available for landscaping is reduced by:

- a. A series of retaining walls that create a planter box app. 1.6m wide and 2-3m high,
- b. a path (1.2m wide) almost stretching the entire length of the rear boundary and
- c. in addition 2m to 3.6m of the remaining setback area currently forms part of the concreted area of Kirawa Close. The necessary consent has not been provided to demolish part of the driveway and replace those areas with landscaping.

With or without the above consent, the effective area for deep soil landscaping in the side setback adjacent to Unit A11 is greatly reduced. This is not sufficient to ensure the establishment of effective landscaping and canopy trees that would screen the adjacent property No. 1446 Pacific Highway or provide appropriate separation. This is especially relevant in light of the fact that No 1446 was not incorporated into DA 0077/05 and may end up as an isolated dwelling between the two high density developments.

- 2.7 The proposed finishes of the development is considered inappropriate as it fails to harmonise with existing environment and context which reflects mid tone to dark colours and greater use of brick and timber.

3. Impact On Trees

The proposed development will result in the clearing of the site. The site analysis plan shows the retention of only 6 of the 55 trees identified as being associated with the site, of which three (3) or 50% are located off site. The trees to be retained are No's 382, 383, 426, 428, 436, and 424. Tree No's 395 - 419 are part of an existing tree grouping/stand located centrally on site. Given the scale of development for the site, it is not possible to retain these trees due to their central location.

The removal of Tree No. 427 *Eucalyptus saligna* (Bluegum), misidentified as *Eucalyptus pilularis* (Blackbutt), is unacceptable and cannot be supported. The tree, which is located adjacent to the southern site boundary, is outwardly in excellent health and condition, has not suffered storm damage and is significant within the broader landscape. The tree forms part of the interconnecting canopy that typifies the locality and as the consulting arborist states "the retention of the these trees [including #427] allows them as components of the current curtilage to be transferred to the new dwellings, maintaining elements of a continuous landscape, providing a more harmonious integration and transition of the use of the land".

CARRIED UNANIMOUSLY

Draft Management Plan 2005 To 2009, Incorporating Budget And Fees And Charges

File: S03096

To place Council's 2005-2009 Draft Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2005/2006 on public exhibition.

Councillor Cross returned during discussion

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That Council adopt the Draft Management Plan 2005-2009, as amended, incorporating the Budget, Special Rate Variation and Fees and Charges for 2005/2006 as amended, for the purpose of public exhibition.
- B. That the Management Plan, Budget and Fees and Charges be placed on public exhibition for 28 days commencing Friday, 29 April 2005.
- C. That an advertisement be placed in the 'North Shore Times' advising public exhibition details.
- D. That following public exhibition, a further report be submitted to Council for adoption of the 2005-2009 Management Plan, Budget and Fees and Charges.
- E. That further information be provided on how to reduce charges for The Green Tent.
- F. That a further briefing be held for all interested Councillors during the exhibition period.

For the Resolution: *The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Innes, Lane, Malicki and Shelley*

Against the Resolution: *Councillor Bennett*

Memorandum For Action

File: S02943

To report to Council on Councillor Malicki's Notice of Motion.

Resolved:

(Moved: Councillors Malicki/Cross)

That this matter be deferred and referred to a Policy Committee meeting for discussion.

CARRIED UNANIMOUSLY

148 **Open Space Strategy**

File: S04028

To seek Council's endorsement on the Draft Open Space Strategy

Resolved:

(Moved: Councillors Lane/Cross)

That the Draft Open Space Strategy be publicly exhibited and that following the public exhibition period a further report be brought back to Council addressing outcomes of consultation.

For the Resolution: The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Lane and Malicki

Against the Resolution: Councillors Innes and Shelley

149 **Draft Generic Plan Of Management For Parks**

File: S03358

To place the Draft Generic Plan of Management for Parks on exhibition in accordance with the requirements of the Local Government Act 1993.

Resolved:

(Moved: Councillors Bennett/Shelley)

- A. That the Draft Generic Plan of Management for Parks, as amended, be exhibited for a period of 28 days with a further 14 days for public comments in accordance with the requirements of the Local Government Act 1993.
- B. That a Public Hearing be held during the Exhibition and Public Comment period in accordance with the requirements of the Local Government Act 1993.
- C. That a further report be presented to Council following the exhibition and public comment period.

CARRIED UNANIMOUSLY

Draft (Heritage Conservation) Local Environmental Plan No 30 - UTS Ku-ring-gai Campus, 100 Eton Road, Lindfield

File: S03820

For Council to consider Draft (Heritage Conservation) Local Environmental Plan No 30 (DHLEP30) - UTS Ku-ring-gai Campus following exhibition.

Resolved:

(Moved: Councillors Shelley/Innes)

- A. That Council adopt Draft (Heritage Conservation) Local Environmental Plan No 30 UTS Ku-ring-gai Campus, and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act 1979 with request that he makes the Plan.
- B. That Council notify the NSW Heritage Council informing them of Council's decision.
- C. That Council notify all affected residents and all people who made a submission of its decision.

CARRIED UNANIMOUSLY

The above Resolution was subject to an Amendment which was LOST. The Lost Amendment was:

(Moved: Councillors Hall/Lane)

That the Council defer consideration of a draft Conservation LEP for the UTS campus and curtilage until an assessment of the UTS rezoning application can be included and considered by Council.

Councillor Cross departed

QUESTIONS WITHOUT NOTICE

Echo Point Park - Removal Of Tree Branches

File: S02951

Question Without Notice from Councillor M Shelley

Would the Director Open Space or Technical Services, whichever is the relevant Director, advise how quickly the cut trees will be removed from the access paths and beaches at Echo Point?

I was present at Echo Point during Anzac Day when an elderly man tripped on a cut branch that protruded into the access path whereupon he fell two metres sustaining injury to his face - drawing blood, to his arm - drawing blood, puncturing his arm and causing a contusion to his arm and his leg. In addition, he had cause to drop his esky and, I understand, it cracked in the process - is it possible for these branches to be removed as a matter of urgency?

Answer by Director Open Space

I am sorry for that. My understanding was that the work was to be removed actually before the end of last week, which was then the actual removal of the trees was taking place. I will be ensuring that the work is followed up first thing tomorrow.

152

Request for Councillor Bennett to Withdraw Implication to her Comment During a Council Meeting

File: S04145

Question Without Notice from Councillor G Innes

My Question is through you, Madam Mayor to Councillor Bennett.

I note Councillor Bennett's reference at the 5 April Council meeting to being blackmailed and her refusal to withdraw the remark.

I further noted a story in the North Shore Times last week where Councillor Bennett was quoted as being, quote blackmailed and pressured, unquote.

Would Councillor Bennett confirm or deny the implications in these comments that the alleged blackmail or pressure was by other Councillors?

If the implication is confirmed, would Councillor Bennett withdraw that implication with respect to Councillor Shelley and myself?

Answer by Councillor Bennett

Councillor Innes, I haven't actually seen that particular article and it's the school holidays and I have been otherwise occupied. I would need to see it in order to understand exactly what was said. However, I don't need to see it to certainly withdraw any implication that relates to you and Councillor Shelley.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 30 April 2005 to view the following properties:

1, 3 & 5 Lynbara Avenue and 12 Porters Lane, St Ives
26 – 30 Marian Street, Killara

The Meeting closed at 9.52pm

The Minutes of the Ordinary Meeting of Council held on 26 April 2005 (Pages 1 - 54) were confirmed as a full and accurate record of proceedings on 10 May 2005.

General Manager

Mayor / Chairperson